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ABSTRACT

This report considers the complex nature of academic tenure and its relation to academic and intellectual freedom, educational policy, appointment patterns, criteria for faculty appointments, employment security, financial commitment, and retirement policy. (HS)

ED057742

THE UNIVERSITY COMMITTEE ON GOVERNANCE

HARVARD UNIVERSITY

Discussion Memorandum On Academic Tenure At Harvard University

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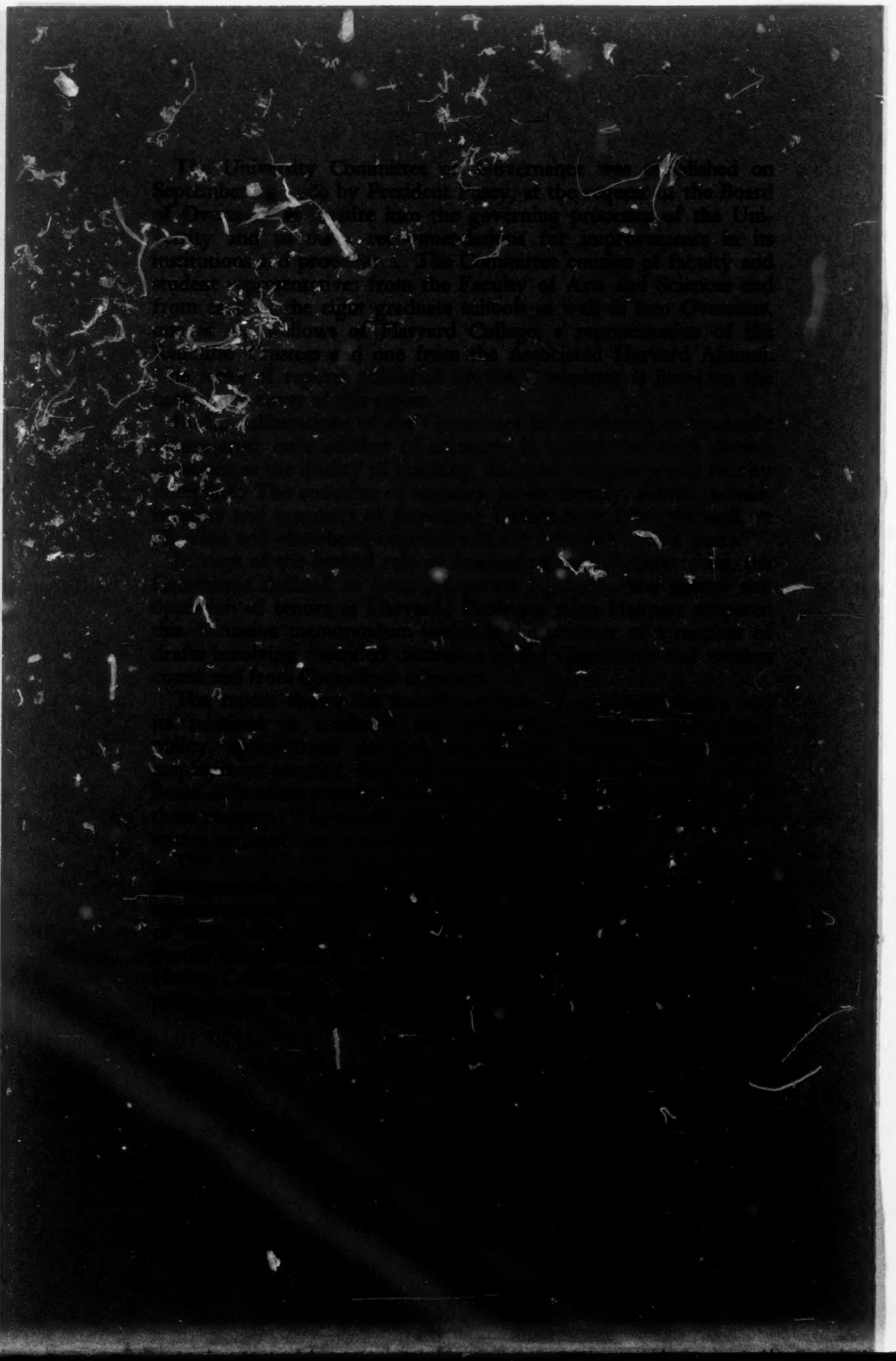

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ACADEMIC TENURE
AT HARVARD UNIVERSITY

Any discussion of the institution and principles of academic tenure might best begin with definitions — both of what tenure is, and of what it is *not*. "Academic tenure" means simply the contingent right of a faculty member appointed to a tenure position to retain that position until retirement. In the language of the Faculty of Arts and Sciences, a tenure appointment is one "without limit of time." A tenure appointment is distinguished from an annual appointment, or from an appointment for a stated period of years, which expires at a fixed time short of the ordinary and stated retirement age.

A tenured faculty member is not irremovable; he can be removed "for cause," but *only* for cause, generally as set forth in the statutes or regulations of his institution. The only grounds of removal stipulated in the statutes of Harvard University are "grave misconduct or neglect of duty." This Committee has itself recommended the establishment of formal mechanisms and procedures for hearing charges against faculty members charged with "grave misconduct or neglect of duty," and its recommendations have been concurred in by the several Faculties and approved by the Governing Boards. When these recommendations are implemented by the Faculties, Harvard will have, for the first time in its history, a stated process for handling cases involving the possible termination of a tenure appointment.

The "rights" of tenure include nothing more than this right of office, without periodic re-appointment, until retirement. Other privileges and immunities, often attributed to tenure, are simply *not* among the rights of a tenured faculty member. Tenure does *not* include a guarantee, express or implied, that a faculty member will continue to teach the same courses, and only such course or courses, throughout his tenure. Tenure is *not* a sinecure, assuring a faculty member of a guaranteed annual wage while freeing him from any teaching obligations whatever, or permitting him to spend the bulk of his time away from the

institution which pays his salary. Tenure does *not* permit a faculty member to flout the rules and regulations of his institution nor even to engage, with impunity, in what by the standards of his discipline or profession would be malpractice. Indeed, tenure does not even assure a faculty member his salary, regardless of the financial predicament of his college or university, for institutional insolvency (though not mere "financial stringency") may be reason for terminating a tenure contract. Indeed, it is accepted that the terms, conditions and privileges of tenure are redefinable as the needs of the institution change, and that the "duties" of a faculty member are to be determined not solely by the individual, but through a collegial decision: of his department, of the Faculty of which he is a member, or of the institution as a whole.

Still, the many misunderstandings of tenure do in some sense reflect a legitimate awareness of the degree to which academic institutions, Faculties and departments may have been remiss in defining and enforcing the duties and responsibilities of tenured office. Whether Harvard University, or its various components, has been so remiss is a separable question, as is that of whether *at Harvard* the institution of tenure has lent itself or now lends itself to the variety of abuses and negative consequences charged against it by contemporary observers and critics of American higher education. What is just as surely relevant to Harvard as to any other institution, and to which there can presumably be no separate or parochial answer, is the social and philosophic justification of the institution of tenure.

The institution of tenure, at Harvard or elsewhere in the United States. has developed and been recognized, for the most part, over the course of the twentieth century. Tenure and its rationale, as embodied for instance in the American Association of University Professors' "General Declaration of Principles" (1915), evolved initially as an element of what Hofstadter and Metzger have characterized as the "professionalization" of the academic vocation. That is, tenure was one of the instruments whereby university and college professors gained a nearly exclusive power to determine who was entitled to membership in their ranks, and limited the power of laymen (specifically, in the larger American perspective, the ecclesiastical and political authorities) to define or control the subject matter of academic disciplines. Tenure was one embodiment of the postulate that

faculty members are not employees of the university, but *are* the university.

For nearly a century the institution of tenure has been proclaimed and defended as a means of assuring the freedom of faculty members to think and speak without politically-inspired interference. During this period it was almost invariably assumed that the assaults on such freedoms came exclusively from conservatives, whether state legislatures or alumni trustees, determined to silence or at least chasten "radical" professors. Thus the declaration of the Wisconsin Board of Regents in 1895 in the wake of the celebrated attack on Richard T. Ely:

> ". . . we could not for a moment think of recommending the dismissal or even the criticism of a teacher even if some of his opinions should, in some quarters, be regarded as visionary . . . we cannot for a moment believe that knowledge has reached its final goal, or that the present condition of society is perfect. We must, therefore, welcome from our teachers such discussion as shall suggest the means and prepare the way by which knowledge may be extended, present evils . . . removed and others prevented.
>
> "Whatever may be the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that mutual and fearless sifting and winnowing by which alone the truth can be found."

Throughout the first half of the twentieth century, the argument for tenure embodied almost exclusively this historical and traditional concern for freedom of inquiry. In the aftermath of the McCarthy period, discussion focused more on procedural safeguards, including proposals for legally binding and judicially enforced tenure contracts which would defend politically unpopular professors from external interference. The argument for academic freedom and tenure drew largely on the analogy of an independent judiciary (and even specifically on Alexander Hamilton's sustained argument for it) and thus stressed the larger and long-term value to society of the permanence of academic appointments. This was the emphasis of the most sustained, systematic and significant study of tenure, by Byse and Joughin, *Tenure in American Higher Education* (1959):

> "Academic freedom and tenure do not exist because of a

> peculiar solicitude for the human beings who staff our academic institutions. They exist, instead, in order that society may have the benefit of honest judgment and independent criticism which otherwise might be withheld because of fear of offending a dominant social group or a transient social attitude.

In the years since 1960, however, and more particularly in the last two or three years, a variety of new concerns, questions and complaints have been raised concerning the institution of tenure. It should be noted, however, that the major criticisms of tenure have emerged not so much in the form of direct analysis of the institution itself, but generally as *obiter dicta* within larger investigations of the present "malaise" of American colleges and universities. The President's Commission on Campus Unrest, the American Council on Education's special committee on campus tensions, and a Department of Health Education and Welfare task force on higher education have all suggested that tenure is in some undefined way a partial cause of that malaise and an impediment to restoring the health of American academia. Certain axioms and attitudes can be fairly extracted from what has been said or written by critics within and without the university. Although each of these objections, as presently phrased, reflects immediate concerns, most of the questions being asked — perhaps all — can be seen as rather old wine in new bottles.

1. *Since no one else in American society, especially in American business, has absolute job security independent of periodic assessment of performance, why should professors have it?*

Implicit in such a question is the view of human nature which underlay Adam Smith's contention, in *The Wealth of Nations*, that the university teacher should be, like all other men, subject to the forces of the open-market economy: "It is the interest of every man to live as much at his ease as he can: and if his emoluments are to be precisely the same whether he does or does not perform some very laborious duty, it is certainly his interest, at least as interest is vulgarly understood, either to neglect it altogether, or, if he is subject to some authority which will not suffer him to do this, to perform it in as careless and slovenly a manner as that authority will permit." The assumption is, of course, that professors should not be insulated from

the pressures of the market place, and that their endeavors (and presumably their ideas) should be measured and rewarded in precisely the same way as any other contribution to the GNP. This philosophy has historically had the greatest appeal to state legislatures, but it bears noting that often in the past the prophets of curricular change have argued that the only way to assure that the most valuable or "relevant" ideas emerge in the university is to pay professors exclusively by the number of students they manage to attract to their classrooms.

2. *Since no one else in American society can escape the intolerable pressures of a complex technological culture, and since few in the world are free from economic, social or political "repression," why should professors be so protected, or enjoy such freedom?*

It is alleged that in the present social and political situation the freedom of a professor is not a "neutral" freedom, that it is at best an intolerable "luxury" and more commonly (or even, upon analysis, invariably) a freedom to be complicit in the oppression of others. In such a view there should be no freedom to offer "bad" or even "neutral" ideas, for it cannot even be assumed that bad ideas must be allowed to fall of their own weight, or that in the university they will stimulate the emergence of better ideas. In its extreme form, of course, this ideology demands that a professor be "fired" for his ideas or associations. At this point those who assail academic freedom from the "left" meet with their counterparts on the right — as they have so often done — on the common populist ground of insisting that academic appointments must be subject to a "political" test.

3. *Does not tenure entrench in the university the spokesmen for old, outmoded and static ideas?*

Occasionally this charge is mingled with that concerning the political obtuseness of tenured professors, but it is also offered independently by the avatars of a post-liberal (and often "post-linear") consciousness. In the past, such dissatisfaction with the "deadness" of a Faculty or university has inspired the creation of new colleges: of Emmanuel at Cambridge, or of the College of New Jersey. But today, those who echo an ancient Puritan invective against an "unconverted ministry" are heard demanding that the bearers of the "new light" be given not only oppor-

tunity or access, but the right to replacement, and, in the final analysis, dominion.

I

The historic defense of tenure is presumably no less valid when the challenge to freedom of thought and expression comes not only from a conservative outside constituency, but concurrently from a skeptical and impatient internal one. The more recent challenges, however, do not seem as yet to represent a frontal intellectual assault (or even a frontal anti-intellectual assault) on the academic profession or even against the idea of a university as a place where ideas contend as independently as possible of non-intellectual pressures. Rather, the recent questioning is symptomatic of a general *rethinking* of the nature and purposes of a university, in which, quite rightly, no inherited institution is deemed too sacred for reconsideration and review.

Many who express such concern about the nature and direction of American universities remain committed to academic freedom, but they argue that even as a defense of the freedom and intellectual autonomy of professors, tenure is "antiquated." They say that the tradition of and commitment to freedom of inquiry is now so ingrained, both in American society and within the university community, that academic freedom no longer needs such an institutional bulwark. One wonders *what* America or *which* university is in the mind's eyes of those who offer such reassurance. Those who assume that the public is now understandingly tolerant of "dangerous" ideas, or that all within the university community are uniformly and invariably hospitable to the free expression of "unpopular" ideas, can they have been following carefully the national news media — or their local bulletin boards? Surely any reasonable reading of the contemporary mood, not merely in-the-large but even as expressed in the particular challenges to academic tenure, would suggest that the present, of all moments, is one of the least plausible in which to begin dismantling the most painfully- and carefully-built defense of academic freedom.

To uphold tenure as a necessary defense of academic and intellectual freedom is not to argue that it is all-sufficient to the purpose, or that there ought not be additional safeguards of freedom of thought and expression for members of the uni-

versity. It is often asked whether, if tenure is *the* barrier to intrusions on academic freedom, whence derives the freedoms of junior, non-tenured faculty members? One answer, for which there is considerable historical evidence, is that the freedom of non-tenured teachers depends largely on the presence, on any Faculty, of tenured professors committed in principle to intellectual freedom, acting individually or collectively to assure the rights of their junior colleagues. It is also true that junior faculty have term appointments and cannot be removed, without cause, prior to the expiration of the appointments. In the present era, however, it is problematic whether the traditional modes of guaranteeing rights will continue *to be seen* as adequate. After all, allegations of political bias in cases of non-reappointment or non-promotion have been made in recent years against departments and Faculties, as well as against administrations or boards of trustees.

At some institutions aggrieved non-tenured faculty members have asked the courts to intervene in cases of non-promotion or non-renewal of appointments. The courts have responded to the extent of requiring institutions to follow more formal procedures, even to provide the reasons and the particulars for non-promotion of the sort the AAUP (which long held that an institution was *not* obliged to justify or account for non-promotion) has recently recommended. Such judicial intervention has thus far been limited to state institutions, but it is plausible — given the thrust of judicial opinion with respect to the pervasive applicability of the Bill of Rights — that the courts may take some jurisdiction over personnel issues at private universities as well, especially when non-promotion is alleged to involve "First Amendment" violations.

Indeed, some who contend that tenure is outmoded and unnecessary as a defense of academic freedom argue that the courts can and ought to be the exclusive guarantor of the rights and immunities of college and university teachers. Such an argument assumes, among other things, that members of an academic institution should enjoy no rights beyond those accorded to all members of society. Harvard University, however, has declared in the second paragraph of its "Statement on Rights and Responsibilities" that a university must cherish and take special care to assure its members' freedom of thought and expression. This Committee, moreover, has insisted in regard

to the discipline of students and officers that the freedoms of the university should not be trusted to *external* instrumentalities, that to retain its freedoms an academic institution must always seek (at least in the first instance) to adjudicate and resolve such issues through *internal* processes of self-government. Certainly there is no assurance that an external judiciary will, in the long run, show any greater solicitude for academic rights and freedoms than an external legislature.

Many universities have established internal faculty committees to maintain oversight of tenure processes and practices and to adjudicate those situations where a violation of academic freedom is alleged. As Harvard moves into a period when new varieties of appointments are likely to be instituted in many of the several Faculties, it ought to be considering the establishment of such a faculty committee. Faced both by need for change and financial stringency, Harvard may have to undertake new departures or even make what, in other circumstances, would seem the most ordinary budget decisions that might seem to some faculty members to infringe their rights. A committee of respected faculty members, appointed by the President with the concurrence of the Faculties, could work to redress accidental injustices and to mediate misunderstandings. Its recommendations to the Deans and to the Governing Boards could be confidential as regards individual cases, but, at its option, public as regards policy matters. Such matters of policy might include, as will be indicated in more detail below, the considerable disparities which now obtain among the several Faculties as to the conditions of tenure. There might also be instances in which non-promotion of junior faculty would seem to involve important questions of academic freedom. An all-University "Committee on Tenure and Academic Freedom" would serve among other purposes that of inquiring into, seeking to resolve and where appropriate providing a recognized means *within* Harvard of determining whether the academic freedom of any Harvard teacher has been abused, whether in the promotion process or in the definition of the conditions of appointment.

II

The major thrust of recent challenges to academic tenure is

probably not so much philosophical or moral as pragmatic or even programmatic. The practice of tenure, it is claimed, works against what ought to be the purposes of a university in the final third of the twentieth century by pressing down the dead hand of the past on institutions in desperate need of change and innovation and by interposing a financial, physical and psychological barrier to a necessary adaptability and flexibility. Such matters surely deserve careful attention in the Harvard context, particularly in light of the prospect of redefinition of this institution's nature and goals already painted by this Committee. It should be asked, more specifically, whether the institution of tenure *at Harvard* does, in fact, interfere with the intellectual health and vitality of this University. Ought there be at Harvard modifications of appointment procedures and practices so that this institution can better pursue its purposes?

In addressing such questions within the Harvard context, it is necessary (as always) to begin with the observation that few generalizations pertain throughout the University. However it may have been derived historically, this variety may well be, and should continue to be, a virtue and a blessing. It provides each Faculty some plausible options and models already employed and tested within parallel Faculties at Harvard. And in the large it serves as a reminder that there are few appointment practices and procedures which are, or need be, immutable, and that no aspect of tenure at Harvard can or should yield a single or simple assessment. Nonetheless, although the specific analysis and answers must differ from Faculty to Faculty, certain issues regarding tenure are surely pertinent to all Faculties.

1. One frequently-voiced objection to tenure, deriving as it does from the growing financial squeeze on higher education, is clearly not so irrelevant to Harvard as we wish it might be. It is alleged that the salary commitments to tenured faculty reduce almost to the point of non-existence the personnel options of an academic institution in a time of financial stringency. "Unlike business or even government agencies," complains one self-styled "educational" consultant, "a university can't realize cost savings just by lopping off a department." Often this objection blends with others, as when it is asserted that it would be both cheaper *and* intellectually more advisable to lop off expensive and outmoded faculty members and hire a younger and more vital staff.

Such questions have been raised more frequently and more stridently as it becomes apparent that the nation has produced in recent years more Ph.D.'s in some fields than its higher educational system as presently organized and financed can hire at present salaries and with the present patterns of use of degree-holders. But whether the abolition of tenure at Harvard would in fact result in cost savings is another matter. To be sure, if the University were to take advantage of the present "buyer's market" and do so without regard to quality, a considerable reduction in salary expenses might well be gained. But it bears investigation whether the present quality of Harvard's faculty could be maintained at *even the same expense* without the institution of tenure.

In 1938, the Committee of Eight reporting on personnel problems in the Faculty of Arts and Sciences listed as one of three "unanswerable" arguments in favor of the principle of tenure that "it makes the profession attractive to men of ability despite the fact that what it yields financially is a fixed salary rather than an opportunity to amass wealth." There is some reason to believe that the guarantee of tenure *at Harvard* has permitted this University to gather a quality Faculty *on the cheap* and that it might well cost Harvard *more* — simply in financial terms — were it forced to compete by way of annual or short-term appointments with private industry, with the government and with other universities with or without tenure which allow themselves the budgetary freedom and luxury of the "star system."

It thus deserves mention that some of the attacks on tenure are not unrelated to the growing interest at some institutions, especially state colleges and universities where financial pressure is increasingly being exerted by governors and legislatures who cannot abide developments within the academy, in unionization of the teaching staff and in collective bargaining. Collective bargaining would also tend to protect incumbents, and not merely in financial ways, even if tenure were constricted. But given the emphasis of most union contracts on longevity and seniority, it seems likely that academic unionization would reduce rather than augment, an institution's flexibility in faculty hiring. In the Harvard experience it bears noting that the demands of a Faculty of Arts and Sciences "union" in the 1930's contributed to a *stricter* definition of tenure and an

61

abolition of the variety of extended term appointments offered until then.

2. Another of the objections to tenure is that it has an adverse effect on the hiring of women and members of minority groups — if incumbents were not protected by tenure, it would be possible to create more openings and thus increase quite rapidly the number of representatives from these groups. The "Report of the Committee on the Status of Women at Harvard" (Faculty of Arts and Sciences), which has thoroughly probed this question, called for a variety of modifications in hiring policy in order to facilitate the inclusion of many more women on that Faculty. But that tenure *per se* is hardly an impediment to the goal is suggested by the fact that, whereas the Committee set 9.6% (the percentage of women Ph.D's granted by Harvard ten years ago) as an early target for women tenured professors in the Faculty of Arts and Sciences, the normal turnover (apart from unanticipated resignations) will vacate within the next decade roughly 30% of the permanent appointments in the Faculty of Arts and Sciences.

Turnover in tenure positions differs in some degree from Faculty to Faculty. It depends greatly on the average age of first tenure appointment, the percentage of senior faculty appointed at later stages in their careers, whether tenure appointments are regularly scheduled (as in the Faculty of Arts and Sciences) and are not dependent on death or retirement, and, of course, on the ability of each Faculty to finance such appointments. In some Faculties, financial constraints have prevented — even through the now-legendary prosperity of the 1960's — few, if any, genuine "tenure" appointments. (In the School of Public Health, for instance, many of the professors do not have Harvard academic tenure, which is conditional on institutional endowment funds to support the position.) Yet, whatever the statistical variations among Faculties, it is obvious that in all of them an appreciable percentage of tenure positions are inevitably vacated over a period of years.

With respect to Blacks and other minority groups, it might be pointed out that Harvard could help to facilitate its commitments by husbanding some of its tenure positions over the next several years as against the day when much greater numbers of these groups will be under consideration for tenure. At the present moment, the competition for professionally qualified

Black faculty members is so incredibly intense that Harvard and comparable institutions have been warned against "raiding" Black colleges. Within the last two or three years, however, Blacks have begun to enter graduate and professional schools in considerable numbers. Toward the end of the 1970's they will have reached the stage in their careers where the question of tenure will be raised. Similarly, the number of women receiving graduate degrees increased dramatically in the later 1960's and continues to increase, in the professional schools as well as in graduate arts and sciences departments. Other arguments have been advanced — not only at Harvard but everywhere — for "spacing out" tenure appointments over the next half decade, specifically in response to the financial squeeze. But an additional argument for such a policy is that it would increase the opportunities for the appointment of women and minority group members at that time in the foreseeable future when the recent dramatic changes in graduate and professional school admission achieve their fuller impact on faculty appointments.

3. It is further charged that tenure is in some way responsible for the lessening dedication of faculty to the university, that faculty members use their tenured position as merely the base for outside consulting, professional involvement or governmental service. That tenure is a causative factor here may well be questioned, if only because non-tenured faculty are likewise observed engaging in similar activities. Insofar as the phenomena derive from a faculty member's desire for additional financial security, or from a felt need for keeping his options open, it might be asked whether such activities are likely to be *reduced* if tenure were abolished. One of the seldom-acknowledged virtues of tenure is that it serves to insulate a faculty member, somewhat, from direct economic pressures. Without the security of tenure he might well be inspired to develop other sources of income — as often through profitable but intellectually unrewarding publication as through consultative arrangements with non-academic enterprises — against the day when he and his mode of intellectual endeavor might be judged outmoded or unneeded by the institution.

In this regard, tenure has served as both badge and guarantor of institutional loyalty, as an aspect of that covenant in and through which professors make a commitment to their university far transcending the usual employee-employer relation-

ship, and akin to that of a minister called to a particular church. In the absence of tenure, and with only short-term contractual arrangements governing the teacher's relationship to the University, it would seem plausible that the teacher's loyalty to Harvard — which seems to many to have diminished over the past several decades — would give way even further. And finally, a university without tenure runs the gravest of all risks — a Faculty whose extramural commitments are so dominant and so unbalanced by institutional loyalties that its objectivity in teaching is sacrificed, its scholarly or professional opinions skewed, consciously or unconsciously, by a felt need to curry external favor.

Nevertheless, it is far from clear that Harvard has responded adequately to the changes in American society which since the Second World War have ineluctably drawn so many of its faculty members into outside involvement, often to the detriment of their internal commitments. Thirty-five years ago, a Visiting Committee to the Department of Economics expressed the following view of the spirit in which such outside activities ought to be conducted by a Harvard faculty member:

> "The question is whether the outside activity is incidental to the man's teaching and research or vice versa. Where is his primary field of interest? If he regards his position on the Faculty as a base for a public career, we believe he should be invited to devote all his time to the public service. If, on the other hand, . . . he treats his public activity as clinical experience and an opportunity for study, we see no reason for any criticism. The distinction, while it may appear to be a subtle one when stated in the abstract, is real and usually obvious enough in practice. It is a distinction which scholars will have no great difficulty in making. . . ."

It may well be that the developments of the last two decades have made such a distinction less obvious, or more difficult to make. Presently some of the Faculties have understandings as to the percentage of a member's time that can be spent in "outside research" or "consultation." Perhaps such an explicit understanding should be made public by every Faculty. Perhaps also each Faculty, or even some University body, should work to devise broader guidelines, eloquent as well as quantitative, to assist in preserving and encouraging faculty commitment to the

Harvard constituency. It must be acknowledged, of course, that no simple formula can apply to every Faculty nor, surely, to every individual Harvard professor, since considerable outside engagement at, for instance, one stage of a professor's career may prove of extraordinary advantage to Harvard in subsequent years. Moreover, it could be argued that variety, in this area as in so many others, continues to be one of the sources of Harvard's intellectual vitality. Still, every Faculty that does not now have understandings and guidelines concerning the "outside" activities of its members certainly ought to review its position and make a deliberate choice on the appropriateness and timeliness of establishing such explicit policies.

The historic definition of a university — and the rationale for its members' freedom of inquiry — has proceeded on the assumption that knowledge is progressive and that *all* knowledge will eventually be of value to mankind. Today one senses a disposition to cast into suspicion these "liberal" axioms and to argue that certain kinds of knowledge, or approaches to knowledge, are at best irrelevant and particularly in a time of financial pressure should be summarily discarded as part of a university's re-ordering of priorities. No formal system has yet been proposed, however, ordaining to general satisfaction who is to decide, or by what processes, just what is the "scholastic rubbish" that ought to be swept out of the twentieth-century university. Nor, it may be hoped, will Harvard — of all institutions — seek to devise such a system, for here it is at least still acknowledged that ancient wisdom as contrasted with modern "insight" may continue to have some value in the redemption of humanity. One of the functions of a university, indeed one of its duties, should be to tolerate, even to foster, those ranges of inquiry which any society pre-occupied with its contemporary problems is disinclined to support philosophically or financially.

What might be argued — in fact, what *must* be argued, for this central truth is in danger of being forgotten — is that a university cannot and ought not be conceived solely as an *instrument of present society* and that the value of intellectual inquiry is not to be judged solely in terms of its immediate or obvious *utility*. Such an awareness is essential in guiding a university's response to demands for a "relevant" curriculum. It must be recognized that student pressures and the interests of younger faculty members have proven effective in helping to

re-define the kinds of knowledge sought out and transmitted at Harvard. But it must, at the same time, be granted that not all the intellectual pressures have come in this form and from this direction. Those who hold to the vision of Harvard University as a place where *all* ideas, even the demonstrably useless, are entertained and explored must face squarely and honestly the question of whether, in recent years, the blandishments and temptations of the "outside" world have not so skewed the intellectual life of the University that some kinds of knowledge are given a much ampler opportunity to progress.

Research grants from the Federal government and other outside entities have undoubtedly had a greater effect on re-ordering the intellectual priorities of Harvard than all the "consulting" proclivities of its faculty members as such. This development is also occasionally seen as an effect of the institution of tenure, whereas the evidence indicates that the availability of such funds has in fact *affected* tenure by seducing the University into permanent commitments which it might not, in the absence of such funds, have made on intellectual grounds. One would hope that the responsible administrative officers and departments could be reminded that such seductions will hardly disappear in a period of financial stringency. It would presumably be anathema for Harvard University, or even for one of its Faculties, to decide what *subjects* may be investigated through research grants — as much anathema as to proclaim what *kinds* of outside consultation are legitimate. It might even be inappropriate to place dollar as well as time limits on such activity, but it is surely not inappropriate to ask all officers to continue to take a hard look at the possibility that Harvard's intellectual balance is being unduly affected by external agencies. Countervailing mechanisms may be needed if Harvard is to preserve a proper balance in serving its own purposes of teaching and the advancement of learning.

4. Similar conclusions might also be drawn in response to the argument that tenure preserves and sanctifies "old" knowledge, even the obsolete, at the expense of the new and the evolving. This Committee itself has pointed to the changing directions which Harvard ought to take over the remainder of this century. We have asserted that Harvard must accommodate itself to what clearly will be major changes in the nature of the traditional disciplines, to the need for far more "inter-disciplinary"

efforts both in scholarship and in teaching, and indeed to an evolution in conceptions of knowledge and in modes of apprehending reality. We have urged Harvard to an intensified effort to achieve a balance between the traditional and the innovative. But it seems unlikely that the institution of tenure, as such, is here a major barrier to experiment and change. Considering the normal attrition and turnover in the tenured ranks mentioned above, as well as the great number of junior appointments annually available, it would seem that Harvard, with its resources, could achieve great flexibility and experimentation *if its several Faculties and its Administration were committed to such goals.* At Harvard, it is not the institution of tenure, but the criteria and procedures by which appointments are made, that tend to entrench the old dispensations and to discourage the new.

What the Committee of Eight observed three decades ago — that the appointment process in the Faculty of Arts and Sciences too often weeded out "men with adventurous minds and imaginations" — may still pertain in some degree throughout the University. Yet administrative officers surely have the capability, even if only in the exercise of their budgetary authority and their oversight of the appointment process, to encourage the new and the experimental, and to restrain, where restraint is called for, what too often seems the natural disposition of a Faculty or department to reproduce invariably in its own image. In the final analysis, however, it is the responsibility of each Faculty or department — which, after all, ordinarily holds the primary responsibility for initiating appointments in Harvard University — to recognize its own imbalances, to monitor and even overrule its own dispositions. In this regard it is the internal structures and processes of a Faculty or department that matter, and not the institution of tenure. (Except, of course, for those elements of the University where administrative positions have gained a kind of *de facto* tenure status. In the Faculty of Arts and Sciences, permanency of department chairmanship long ago gave way to a strict principle of rotation in office, partly out of a feeling that tenure in such positions worked against necessary imagination and flexibility in appointments.) Those who express concern for curricular (and pedagogical) flexibility might more appropriately focus on such questions as departmental hegemony or the Faculty of Arts and Sciences' nearly exclusive responsibility for undergraduate education. Elsewhere

this Committee has stated that one of the major future tasks at Harvard is the search for a structure to complement the departmental framework and for ways to broaden and strengthen the responsibility for undergraduate education. Attention to these matters will, in our judgment, contribute much more to needed innovation than focussing on the imagined obsolescence effected by academic tenure.

Indeed, for those who hold that the educational dogmas of the quiet past are clearly inadequate to the stormy present, there are many apparent ironies to be observed in the history of intellectual and curricular innovation at Harvard. It is observably the case that most of the major experimental changes in Harvard education — the "case system" at the Law and Business schools, the interdisciplinary programs such as Comparative Literature and American Civilization in the Graduate School of Arts and Sciences, and a long series of developments in the College, from the creation (in the waning years of the Eliot elective system) of History and Literature as an undergraduate interdisciplinary honors concentration to the formulation and launching of General Education — have derived from the thinking, the time and the energies of *tenured* faculty members. May it not be fact that tenure — or, to use the crasser term, "job security," — is one of the major stimuli to experimentation, providing a faculty member, as it does, the freedom to leave his standard arena of endeavor when he feels inspired to do so, without fear for the effect on his saleable professional reputation?

This is not to say that a dedicated Administration, acting on behalf of a committed Faculty, could not devise incentives to free the time and energies of more faculty members for research into the as yet unsubsidized interstices of knowledge, or for rewarding those younger faculty members who are ready to undertake new departures in scholarship as well as teaching, rewarding them, that is, even if their experiment proves a failure. An atmosphere conducive to experimentation cannot be generated unless it is understood that many a failed experiment is worthy of intellectual respect. But it does strongly suggest that, with or without such additional incentives, tenure should be looked on not as an intellectual or curricular strait jacket, but as quite the opposite — a structure which by freeing its members from other pressures and anxieties often allows

the spirit and the imagination of even the seemingly dessicated to soar beyond the tried and true and away from the readily marketable.

5. A final criticism of tenure, one having an apparent relevance to Harvard, is that tenure contains a built-in bias in favor of "research" and against "teaching." Elsewhere in the United States this analysis appeals both to those regents and trustees who prefer to look on professors as hourly employees and to those students who conceive of instructors as commodities purchased. It often leads to demands for the readily measurable performance and to legislation requiring additional "class-room hours." Whether a Harvard professor's pedagogical impact is best measured by his hours at the podium is itself a question, but probably the first question to ask is whether at Harvard the portion of a Faculty member's time devoted to teaching has demonstrably diminished to the point where the very Overseers Committee which called for the creation of this Committee on Governance was justified in berating elements of the Faculty of Arts and Sciences for its "neglect" of teaching and undue emphasis on "research." Obviously Harvard has not been immune to the developments of the past quarter-century: the intellectual developments which demanded an intensification of research in order to keep pace with the rapid growth of knowledge, and the socio-cultural developments which disposed an academic to seek recognition and status within his profession rather than within his institution. But while individual instances of "class-room neglect" can obviously be cited at Harvard, the evidence indicates that this University — if only by increasing the size of its Faculty — has in fact succeeded in providing its students a much greater amount of instruction.

Even a cursory comparison of past and present catalogues of the Faculty of Arts and Sciences shows that a student body not appreciably larger than that of two decades ago now has nearly twice as many "class-room hours" offered to it. Indeed, throughout the University the "course-load" of individual senior professors has not been appreciably reduced. Periodic surveys of the Faculty of Arts and Sciences, moreover, suggest that it is neither "research" nor "outside consultation" which, in the bulk of individual cases, has cut into the time of teachers. For most faculty members, the percentages of time devoted during the academic year to research and to teaching (and to teaching

preparation) are roughly equal. Ironically enough, the data assembled both for the Faculty of Arts and Sciences "Report on the Recruitment and Retention of Faculty" (1968) and for a more recent questionnaire circulated by the Dean of Harvard College reveal that, where teaching time has been reduced, it has occurred almost invariably as a consequence of additional administrative and committee burdens placed on faculty members over the past decade — most dramatically in the more recent years.*

Where the complaint appears to have some validity is that clearly over the past two decades a greater proportion of teaching time in the Faculty of Arts and Sciences has been devoted to graduate instruction. (Indeed, few if any complaints are voiced about the teaching in the professional schools, either of its quality or its quantity.) Leaving aside the departure of senior (and even junior) faculty from tutorial, which began even in the late 1930's, the 1960's — in which the Graduate School of Arts and Sciences was vastly expanded — witnessed a proliferation of seminar and research courses, often undertaken as part of a faculty member's load at the direct expense of an undergraduate offering withdrawn. The recent decision to reduce the size of the Graduate School could, or should, help to reverse this trend. But it must also be observed that one plausible effect of research grants is to withdraw a professor from undergraduate teaching and into the seminars and independently directed graduate work which more directly pertains to his special interest.

Here again there is an area in which perhaps explicit guide-

* These burdens have accumulated in part because of each Faculty's express desire to involve its members more intimately in the administrative and decision-making process of the University, and in part because of students' desire for more numerous and more accessible officers within each department, as well as in the Administration. This Committee, itself a symptom of these developments, is in turn in its various recommendations, proposing additional faculty involvement of this nature. Perhaps this is the place to register a particular, and often forgotten, argument in favor of the institution of tenure: how many faculty members would be willing to assume administrative tasks, or even a committee assignment, to forego professional meetings for meetings of one or another council or committee, or to supplant the writing of scholarly articles with the gestation of tedious memoranda on the true meaning of the true dean if — when and if they returned to full-time scholarship and teaching — they could expect to be exposed to annual or some other short-term assessment of their credentials? In this respect, if in no other, the institution of tenure is essential to the self-government of the University.

lines are called for, as well as the use of countervailing incentives. Each Faculty might devise an explicit statement (as was published, for instance, when the Claremont Colleges were established) as to the proportion of each member's time ordinarily to be devoted to teaching, and, in the case of the FAS, to graduate or undergraduate instruction. Visiting Committees, periodic special *ad hoc* committees, and incessant decanal oversight should be employed to make certain that the appropriate balance is being maintained in terms of an entire department's (or Faculty's) energies and offerings. The guidelines might well assist an individual professor in his own self-assessment, but it must be recognized that there are many professors at Harvard (and presumably always should be) who will make a far more important contribution to the life of the mind and of the spirit through supervision of graduate dissertation than through their presence in the classroom.

It must also be recognized that it remains an open question whether Harvard University with its great but nonetheless limited and precious resources may yet have to decide whether these resources are best allocated to non-professional undergraduate education. If the answer is affirmative, it must then be further acknowledged that much of the apparent discontent with undergraduate instruction has less to do with its quantity than with the fact that even some of the best College courses are in effect pre-professional and not collegiate in the traditional sense. But if and when Harvard decides that students in the College deserve both special attention and a general education, then all officers must be prepared to work against the forces that now seem to impel the Faculty toward graduate teaching.*

Finally, it bears emphasis that much of the finest and most effective undergraduate instruction at Harvard in the past quarter-century has been offered by those professors who mounted and sustained the basic courses in General Education. It is questionable whether the ideals of the *Redbook* could have

* This has been done, with some success, in the General Education program, through what amounts to a "tax" on the teaching time of the departments. Other suggestions for countervailing mechanisms include a provision for decanal authority to reduce the teaching loads of professors who engage in venturesome pedagogical forays — inside or outside their departments — and a budget (in the hands perhaps of the Dean of Harvard College or even of a University Provost) to purchase time from departments, and to provide summer salaries or even more frequent leave for those instructors generating especially valuable undergraduate courses.

been achieved even in the degree they were without a tenured faculty which felt free to sacrifice, for a shorter or longer period, their "professional" advancement. Empirically it simply does not seem to be the case at Harvard that tenure leads to stasis, to mindless duplication of old course material. It has more often provided that sense of freedom-with-security which liberates the energies of faculty members for not only intellectual experiment but even for otherwise chancy pedagogical ventures. Interestingly, this seems to be the case elsewhere too. Kenneth E. Ebele, director of the Project to Improve College Teaching (co-sponsored by the Association of American Colleges and the American Association of University Professors) has contended, after an extensive survey of American higher education, that tenure may be "as necessary for achieving excellence in teaching as for maintaining freedom of inquiry." His conclusion — that the proponents of excellence and of innovation had best look elsewhere than to academic tenure for their reforms of universities and colleges — seems clearly applicable to Harvard.

III

To assert that academic tenure is not a barrier to quality education at Harvard is not, by any means, to believe that there is no reason or occasion for change, improvement or greater flexibility in Harvard's present appointment practices. In contemplating possibilities for flexibility, however, it should first of all be observed that at present the situation at Harvard is by no means uniform. Not only among the several Faculties but even *within* some of them the principles and procedures governing permanent appointments can hardly be held to conform to a single, or a simple, pattern. (See Appendix A.) Many, if not all, of the differences have arisen out of the different character and purpose of the various graduate and professional Schools. Some would seem to have evolved more haphazardly, without conscious attention to strict functional value, as a consequence simply of the high degree of autonomy enjoyed by each of the Schools. This lack of congruence might be, in some respects, a matter of concern, and indeed this is one matter to which a University Committee on Academic Freedom and Tenure might wish to give its attention — though not, surely, with a view to enforcing an absolute uniformity on all of the Faculties. For

the variety of appointment practices at Harvard serves, as has already been suggested, as a source of plausible options for each of the Faculties and moreover as a reminder that there are few such systems which are, or need be, immutable.

In the case of some of the professional Schools, the justification for term and part-time appointments is a heavy dependence on outside experts and practitioners, the difficulty or even the impossibility of asking a full-time commitment of many practicing professionals, and, in most instances, the value of clinical training and experience. (These reasons are, of course, in addition to the financial constraints which govern many appointments at the School of Public Health and even the "clinical professorships" at the Medical School.) Both at the School of Education, where in some cases tenure has been awarded contingent on a professor's maintaining his outside clinical practice, and at the School of Design, where term appointments are more common than tenure, the assumption is that such a "clinical professor" would lose both his touch and his value as a Harvard teacher were he not engaged in his non-academic professional work either part-time or periodically. To be sure, such appointments raise certain questions, especially where they are given in lieu of the ordinary full-time tenure status. Some of the same issues arise as in the case of a tenured professor who allows his "outside" research or consultation to engage the bulk of his time and energy. Thus far, the different Faculties have answered in different ways the question of what is the appropriate status for a professor whose *primary* commitment is not (and, indeed, intellectually often *ought* not be) to Harvard.

But as such arrangements expand into other parts of the University — given both an increasingly felt need for instructors with "clinical" experience in a variety of fields *and* a desire to avoid long-term commitments in a period of innovation and transition — additional questions will be raised. One of the appropriate tasks of a University Committee on Academic Freedom and Tenure would be to maintain oversight of such arrangements, should they be undertaken in great number, in order to regularize the status of part-time clinical appointments, perhaps to encourage the use of term appointments for "Visiting Professors," but, above all, to reassure the academic community that such appointments are not being used to deny tenure status to scholars and professionals for *merely* budgetary reasons.

Further differences among the Harvard Faculties emerge in the procedures by which candidates are recommended for tenure appointment. In smaller Faculties, such as the Divinity School, the entire permanent Faculty considers and initiates such recommendations. In the Law School, the Appointments Committee (a subcommittee of the Faculty) first passes on a candidacy, which is then considered and voted on by the entire Faculty. In those Faculties which are organized by department, a recommendation for promotion from within is invariably initiated by a department. In the Faculty of Arts and Sciences, appointments are ordinarily so initiated, generally after a departmental personnel committee or special "search committee" has canvassed and considered a number of candidates both from within and from outside Harvard. In the Medical School, after a department has recommended a candidate for promotion a subcommittee of the full Faculty may call for an *ad hoc* committee to search outside of Harvard for nominees. Most Faculties (the Business School being a marked exception) may employ an *ad hoc* system, not for the purpose of searching for candidates, but for reviewing the candidate recommended, through the internal processes of the Faculty or department. In the Law School, the committee is a "standing" one, composed entirely of distinguished judges and lawyers, usually alumni. Elsewhere, most notably in the Faculty of Arts and Sciences, *ad hoc* committee members are drawn both from related departments within Harvard and from outside. (See Appendix B.) These disparate procedures, it bears mention, may or may not relate to the differing evolutions and needs of the various Schools, and there may well be reason — if not to devise a more uniform procedure throughout the University — at least for the various Faculties to benefit (perhaps through inquiries by a Committee on Academic Freedom and Tenure) from these differing experiences.

For instance, many esteemed members of the Faculty of Arts and Sciences — including a great number who would surely have been appointed regardless of the procedures employed or the criteria invoked — believe that the *ad hoc* system has had, on balance, a deleterious effect on their Faculty. The complaint is that any system employing "outside" advice perforce places an undue premium on publication, that it thereby works against the interests of Harvard College, and that it contains a built-in

bias against promotions from within, thereby depriving Harvard of the continuity and loyalty upon which the health of an academic institution must be based. Finally it is observed that the *ad hoc* system is primarily responsible for generating a Faculty of prima donnas, each of them isolated, self-assured and self-complacent, unwilling to participate in a truly communal or collegial enterprise, and unhappily distinguished more for "clarity of mind" than for their love of students. The effects they attribute to the system are more likely a function of history than of any particular procedures, but the question might be asked as to whether *ad hoc* or new and different appointment procedures might not be more explicitly and consciously employed to achieve the stated purposes of each Faculty.

Much of the criticism of tenure turns out, on analysis, to be a criticism of what it is assumed are the prevailing standards for judgment in appointment decisions, or of procedures which presumably work to promote instructors less valuable to the academic and educational enterprise than some who are denied. It is observed that inasmuch as the terms and conditions of a tenure appointment are seldom clearly defined, a faculty member seems answerable only to himself for a definition of his "duties." Fifty years ago President Lowell addressed himself to these matters and concluded:

> "Tradition has great advantages over regulations. It is a more delicate instrument; it accommodates itself to things which are not susceptible of sharp definition; it is more flexible in its application."

President Lowell's attitude would probably at this very moment gain the assent of the vast majority of Harvard faculty members. However, it is worth noting that within the larger Harvard tradition the various Faculties have evolved more fixed (albeit, of course, various) standards as well as procedures governing the granting of appointments without limit of time, and some, on occasion, have even enunciated explicit statements of the goals to be pursued or the criteria to be invoked in the appointment of full-time, permanent faculty members. The Business School's statement of "Policies and Procedures with Respect to Faculty Appointments and Promotions" is now undergoing further revision. Perhaps each of the Harvard Faculties should be urged to devise and publish a statement

comparable to that of the Business School — if only because, as the Committee of Eight observed, "The unwillingness to define criteria is likely to reflect the absence of any guiding educational policy." A Committee on Academic Freedom and Tenure could undertake the promulgation of more general principles, modifiable by each of the separate Faculties, which would reflect in the stated criteria for appointment something of this Committee's re-conception of the changing nature and purposes of Harvard University.

The Committee of Eight's criteria — which theoretically still pertain in the Faculty of Arts and Sciences — remain valuable for their insistence that there is no dichotomy between "scholarship" and "teaching," that both, rightly engaged in, reinforce and enrich each other. That Committee's report also contains the valuable reminder (perhaps more valuable now than in 1939) that publication is not the only valid expression of or index to scholarship; that the truly scholarly mind can and should make its promise and its potential manifest through teaching, in the classroom or in tutorial. "Scholarship is not proved by printing or disproved by its absence." It is commonly charged that the wisdom of the Committee of Eight is regularly ignored in assessing candidates for permanent appointment, that undue (even exclusive) weight is placed on one's scholarly publications and little or none on his teaching commitment and achievement. Surely younger men and women in each of the Faculties deserve some explicit statement of the criteria by which they will be judged when and if the time arrives to consider them for promotion.*

Any criteria devised for guiding the initial appointment process remain useful throughout a faculty member's career if only as a standard to which an individual (or, if necessary, a Dean) can repair if review of his performance is called for. If a tenured faculty member is to be removed for "incompetence"

* If the qualities of mind expressed through teaching are among the criteria, then surely it behooves those responsible for the nomination to acquaint themselves personally, insofar as is possible, with the candidate's classroom efforts. Moreover, they (and perhaps the *ad hoc* or other special committee involved) should solicit the opinions of students — former as well as present — concerning a candidate's teaching. Obviously such a process taken to any extreme runs the danger of converting a scholarly judgment into a popularity contest, but it does not seem impossible to devise a system whereby such information could be quietly but formally fed into the selection process, as it is now at the Law School and the Business School.

— and surely such is a legitimate ground for removal — it ought at least be understood, "incompetent to do what?" Some faculty members may assume — on the basis of Harvard custom or usage or specifically in terms of the offer that brought them here from elsewhere — that they have been appointed to teach exclusively in a particular area or, in some cases, a specific course, and that tenure thereby entitles them to continue so teaching regardless of the changing needs of Harvard or of humanity over the course of the thirty or so years of their tenure.

In fact, experience and the record of course catalogues attest that such exclusive and prolonged specialization has been a rarity at Harvard — that most professors teach, over time, a considerable variety of subjects even if they concurrently retain a special interest (as the very principles of academic freedom must permit them to maintain) in one particular subject. Yet it might well be that guidelines for appointment at Harvard should guard against any customary sense of proprietary fields, if only by emphasizing that Harvard faculty members ought to be appointed for certain qualities of mind as well as for "expertise" in their fields of specialization. It would be a calamity, institutional as well as personal, were Harvard ever to come to the point where either a Dean or a department or even a full Faculty could order an individual professor to cease any longer working in his field of interest. Yet the situation might well arise where an individual teacher, responding to changing intellectual dispensations, might wish to re-tool, as it were. As in the case of decanal stratagems to provide opportunity and inducement for other experiments, additional incentives (over and beyond the ordinary sabbatical, one purpose of which is to provide time for both new explorations and the generation of new courses) are called for, to permit as well as to encourage readjustments. Such incentives, it need hardly be argued, ought not be used as a means either of coercing the new into being or proclaiming the old unwanted, for the best assurance of the validity or the vitality of any idea, or any pedagogy, is that it engages without artificial stimulation the energies and enthusiasm of both teacher and student. But if Harvard is to insist that neither an individual professor nor his colleagues are to think of his being "locked into" a specific course, it must also make it practically as well as psychologically easier for him to disengage.

Stated criteria for permanent appointment might also be employed, with appropriate modifications, were Harvard to move toward more formal procedures in determining the retirement age of individual tenured professors. It is questionable whether Harvard's present retirement provisions are adequate either to present or foreseeable institutional exigencies or to the personal and existential realities of many professors' lives. The present system calls for retirement at the end of the academic year in which one's 66th birthday falls. Eighteen months prior to that time the President, after consultation with the relevant Dean and occasionally with the colleagues most directly concerned, may ask a professor to remain beyond the normal retirement age. A variety of arrangements are offerable, some of them involving part-time appointments to the age of 70, others calling for a 2-year, full-time extension, and still others involving various years of full- and part-time appointment. It may be asked whether 65 is necessarily the most appropriate age at which a retirement decision ought to be made. What would be the implications of a formal provision for "early retirement" — early, that is, in terms of the assumptions and expectations of American academic institutions, though not necessarily according to many American businesses or to many academic institutions abroad? The present Harvard pension plan permits "early retirement" after the age of 60, but on the basis of reducing the faculty member's pension by its discounted value. The financial implications of providing a more adequate retirement income for those who retire early would have to be investigated. But whatever system is devised — for "early retirement" or for "late retirement" — it seems obvious that such decisions ought to be made with something of the same procedural care, and the attention to criteria, that govern an initial appointment.*

Finally, it should be stressed that one of the most valuable implications of a tenure system is that it forces an institution to make hard and important choices in its selection of personnel. It would no doubt be possible for Harvard to devise a panoply of review procedures, governing the middle years of a tenured professor's life, that would in effect place every faculty member

* A special committee of the Faculty of Arts and Sciences is presently studying the question of what procedures ought to be employed in determining retirement at other than the statutory age. Other universities are similarly studying this and related questions, and the results of those studies should be reviewed at Harvard.

on term appointment. It would do so, however, at an immense cost to the institution as well as to those who serve on its Faculties — losing both intellectual freedom and ebullience, sacrificing commitment, loyalty and the willingness of Harvard professors to serve the University in ways that are not stipulated and could not be stipulated in any imaginable contract. But such a system could be devised and devoted to weeding out a handful of "incompetents," of rectifying the "mistakes" (as when the candidate who, at the age of 35, promises to be the first in his field is, alas, overtaken a decade or more later), and of thereby guaranteeing that, at Harvard, none but the "best" would ever be continued.

But the facts of history and probably even of human nature suggest that this would *not* be the result of a system designed to assure a perfect meritocracy. The so-called "Up or Out" system devised for the Faculty of Arts and Sciences in 1939 came about as a response to a decade or more in which assistant professors were continued well-nigh interminably at Harvard by virtue of a combination of the compassionate charity of their colleagues and the Administration, and of most men's unwillingness to make hard decisions as to the future of their many friends and students. No institution should legislate against such qualities of character, but one of the great advantages of a tenure decision being forced on a date certain is that the institution *must* at last *decide*. In the 1960's, to be sure, the academic market was such that a tenure offer was more than once used to keep a young colleague at Harvard. For the foreseeable future, however, this economic situation will not so regularly pertain, and the natural disposition will be to defer as long as possible the moment of decision. In such circumstances, the absence of a required time for tenure decision will quite possibly be disastrous for the individuals involved, as well as for Harvard.

APPENDIX A

Tenure Appointments: Practices and Procedures in the Several Faculties

For each Faculty, information is given in three entries; *viz.*,

I. Title or titles accompanying academic tenure, with exceptions (if any) noted.

II. Tenure appointments other than those involving "full" academic tenure, including appointments where tenure is conditional. Term appointments other than those at pre-tenure ranks.

III. Procedures followed in the making of tenure appointments.

Faculty of Arts and Sciences

I. Ordinarily a tenure appointment carries the title of Professor. In the past academic tenure has also been given, with the title of "Lecturer," to officers of instruction serving on a part-time basis. Recent Faculty legislation, however, calls for the title of Professor for those in the tenured ranks serving part time.

II. Administrative tenure is given to many officers, with some (generally in the museums or libraries) concurrently given the title of "Professor," with the latter contingent on the continuation of the administrative appointment.

The Alexander Agassiz Professorship (in Marine Biology, Zoology, Paleontology, or Physical Geography) is limited, under the terms of bequest, to "temporary" appointments of five years or less. These appointments are renewable, and it is customary to renew them every five years, up through a total of 24 years. ("If the same person has held a Professorship endowed under this bequest for twenty-five years he shall be entitled to receive the income of the office for life.") Holders of the Agassiz Professorship are given a concurrent appointment, without limit of time, in the Museum of Comparative Zoology.

III. Departmental recommendation (generally preceded by recommendation of Department "Personnel Committee" or "Search Committee"), followed by Presidential *ad hoc* committee. (See Appendix B)

Graduate School of Business Administration

I. Only appointments with the title of Professor carry tenure.
II. Appointments tied to the duration of research or other programs are term appointments, with such titles as Lecturer, Visiting Professor, etc., "to meet the needs of the School and the interests of prospective Faculty members."
III. Initial evaluation by a subcommittee of the Faculty Advisory Committee on Appointments (which consists of all full Professors). Subcommittee, appointed by the Dean, consists of four to six members, the chairman and no fewer than half the members generally not from the subject area of the individual being evaluated. Occasionally persons not at the School may be asked to serve on or work with subcommittees. (This procedure is used as well for appointments at the Associate Professor level, which is *not* a tenured rank.) The subcommittee reports to the Dean at a meeting of the full Faculty Advisory Committee on Appointments, all members of which share responsibility for advising the Dean, but he has sole responsibility for the recommendation made to the President.

Graduate School of Design

I. Tenure is given only to full professors, but not all full professors have tenure.
II. A sizeable fraction of the full professors are on term appointment, usually, but not exclusively, by reason of a part-time commitment to the School. By virtue of the School's heavy dependence on professional designers and others for part-time teaching, it neither has an "up-or-out" policy nor recognizes *de facto* tenure after any length of service.
III. The Dean initiates action to recommend tenure for a given individual, after surveying the tenured faculty, and especially the department chairmen, for their advice and consent. The Dean sends a formal recommendation to the President, and includes a list of at least three persons outside the University

who are familiar with the candidate's professional achievement to whom the President may write for recommendations. The President decides whether to recommend tenure to the Governing Boards.

The Divinity School

I. Tenure appointment is to the rank of Professor, with the exception of one Lecturer whose appointment is without limit of time.
II. The Stillman Professorship of Roman Catholic Theological Studies is by deed of gift limited to single appointments of no more than five years.
III. Responsibility for tenure appointments rests with the Professorial Committee, which consists of the tenured members of the Faculty. A search committee, consisting of faculty and students, seeks suggestions and evaluations from senior colleagues in the field, nationally and internationally. The Search Committee brings its recommendations (often three names ranked in order) to the Professorial Committee, which, after hearing opinions of all members of the Search Committee, meets in executive session to make its decision. The Dean takes the recommendation of the Professorial Committee to the President, who thereafter follows *ad hoc* procedures similar to that used in the Faculty of Arts and Sciences.

Graduate School of Education

I. The usual appointment, held by the vast majority of professors, carries academic tenure.
II. A few professors hold their appointments without limit of time, but contingent on the continuing availability of funds. Others hold a "clinical professorship" (although this title is purely informal and descriptive and appears officially in no one's appointment), with a specific condition of tenure being a continuing practice, managing or working in a clinical setting in some other institution or in a field setting. (For both, the long-term budget commitment is part-time.)
III. A search committee, appointed by the Dean, reports to the Senior Members of the Faculty of Education (all professors and senior administrative officers), who advise the Dean

whether to forward a recommendation for tenure appointment. If a recommendation for tenure appointment is sent to the President, an *ad hoc* committee system, similar to that used in the Faculty of Arts and Sciences, is followed.

John Fitzgerald Kennedy School of Government

[NOTE: Less than 1/5 of the members of this Faculty hold their principal appointments in this School, in the sense that rank or salary are the responsibility of the Kennedy School. Most appointments are held jointly with another Faculty, with the practices and procedures of the Faculty of primary appointment being followed in each case. Since most such appointments are made with the Faculty of Arts and Sciences, the practices and procedures of the Kennedy School, with respect to its own appointments, have largely been conformed to those of the Faculty of Arts and Sciences.]

I. The only appointments with academic tenure are those of professor.

II. One person with "administrative tenure," whose responsibilities are primarily administrative, also holds an annually renewed teaching appointment as Lecturer.

III. Appointments are considered in the first instance by the tenured members of the committees responsible for the Master of Public Administration and the Master of Public Policy programs, next by the Executive Committee of the Faculty (which has authority to act on behalf of the full Faculty with respect to term appointments), and, finally, by the full Faculty, which votes on each appointment. The Dean forwards the recommendation to the President, who follows (in the case of appointments initiated by the Kennedy School and for which it has primary responsibility) *ad hoc* procedures similar to those of the Faculty of Arts and Sciences.

Law School

I. The only tenure rank is Professor.

II. The Librarian of the Law School, has also the title of Professor, which is contingent on his continuation as Librarian. There are a number of *de facto* arrangements based on the

understanding that a given academic appointment will continue only so long as research or other funds are available or while a given program operates. None of these appointments involve the title of Professor.

III. The Appointments Committee of the Faculty (its members appointed by the President) first deals with the nomination. (The Dean is an *ex officio* member of the Appointments Committee, but in recent years it has been chaired by a Faculty member.) The Appointments Committee makes a recommendation to the Faculty, which then votes on the recommendation. If the Faculty votes to recommend, the President convenes the Law School "Ad Hoc" Committee, which is in fact a *standing* committee of distinguished lawyers and judges, usually alumni of the Law School. The practice has been for the President and the "Ad Hoc" Committee to meet with several members of the Appointments Committee to discuss the recommendation.

Medical School

I. Appointments to tenure must be backed by a School or Hospital guarantee of support to normal retirement. Tenure is given only to individuals in "Academic Full Time" Status, which includes those whose primary interests are in teaching, research, and if clinically trained, in caring for patients. Tenure appointments carry the title of Professor or Associate Professor (the latter title also being used for certain term appointments).*

II. Appointments "without limit of time" but *without tenure* (which require the financial guarantee) are made, at the rank of Professor, to individuals in Part Time Status, which includes those who choose to serve the Medical School and the Hospitals by participating in the academic program while carrying on their principal professional activities in another framework, or in Clinical Full Time Status, which includes individuals who serve the Medical School and Hospitals by caring for patients, through administration, or by assuming institutional

* For complete details see "System of Titles, Appointments and Compensation Arrangements for the Faculty of Medicine of Harvard University," as approved by the President and Fellows of Harvard College on October 21, 1968 and amended May 19, 1969 and September 15, 1969.

service responsibilities and at the same time participating in teaching and research.

III. Each appointment to Associate Professor with tenure or to any Professorship whether with tenure or without limit of time must be initially considered and recommended by the Sub-Committee of the Committee of Professors. The latter consists of all Professors, and all Associate Professors with tenure. Members of the Sub-Committee include the Dean and 22 members of the Faculty, appointed for rotating three-year terms to include representation of all aspects of the School. If a recommendation for appointment or promotion is made by the Sub-Committee, it also calls for the appointment of an *ad hoc* committee and provides the Dean recommendations as to composition of the *ad hoc* committee. (The Sub-Committee may also recommend that the *ad hoc* committee search without the school as well as within.) The *ad hoc* committee reports back to the Sub-Committee, which if it concurs passes the recommendation to the full Committee of Professors. With concurrence here, the recommendation is forwarded to the President.

School of Public Health

I. Appointments with academic tenure are made only with a guarantee until normal retirement from endowment funds, research career award funds, or other guaranteed funds. Such appointments may be made with the title of Professor or Associate Professor (though presently the School has no Associate Professor with academic tenure).

II. Appointments without limit of time, and with the designation (authorized by the President and Fellows) of "administrative tenure" are made in instances where endowment or other guaranteed funds are not available to support the appointment. This is a permanent appointment with a specified number of months' notice required prior to the termination, usually 12 months. (Administrative tenure appointments may be made at the level of Professor or of Associate Professor.) Clinical Professors may be appointed for a specific period of time, or without limit of time, contingent on the appointee's continuing to hold a specified position outside of the School.

III. The Head of the Department wherein a proposed appointee

is to have his primary activities nominates (after consultation with tenure members of his Department) to the Dean two members of his Department and four other Harvard University Professors or Associate Professors (from any Department of the School or from any other Faculty in the University) to constitute a Search Committee. The Dean, in consultation with the Department Head, appoints a search committee, usually with three members. The search committee is expected to consult alumni, students, members of the Faculty and other persons in the University or elsewhere who are knowledgeable in the particular subject or discipline. The search committee, which presents its report to the Department Head and the Dean, also makes recommendations for an *ad hoc* committee, nominating: one member of the Administrative Board of the School of Public Health; two tenure faculty members of the School, *not* on the Administrative Board; two alumni of the School, *not* on the Faculty; three or more persons from outside Harvard, for example, members of other schools of public health, or agencies deeply involved in the special area of the position to be filled. The Dean, in consultation with the Department Head, appoints and convenes an *ad hoc* committee, usually of five members. The vote of at least four of the five members is needed to nominate, and if possible at least three nominations should be made. The Dean refers the nominations to a special meeting of the Administrative Board. "A vote to forward the nominations by at least eight of the twelve members of the Board will be taken to indicate assurance of wide support for a new appointee." The Dean then invites the nominees in the order of preference as listed by the *ad hoc* committee and as approved by the Board; he will ascertain availability of a candidate. The name of the individual thus identified will be forwarded to the President. (In the case of a promotion from term appointment to tenure, the same procedure is followed, except that the search committee is requested to compare the candidate with others active in the same field who are comparable in experience and accomplishments, and to list three or four others who meet the criteria for the post.)

APPENDIX B

Preparation of Materials for Ad Hoc Committees on Permanent Appointments in the Faculty of Arts and Sciences

Those who have served on *ad hoc* committees reviewing names proposed for permanent appointment know that the nature and comprehensiveness of the materials placed before these committees varies greatly from department to department. We have informally reviewed the procedures and standards used for developing these materials in several departments. The following statement attempts to distill a set of standards from these practices and from consideration of the information needed if *ad hoc* committees are to perform their tasks of evaluation effectively. We hope that it will provide a useful supplement to the description of the *ad hoc* committee's development and uses contained in the REPORT OF THE COMMITTEE ON RECRUITMENT AND RETENTION OF FACULTY (1968), pp. 45–51. We have been mindful of the enormous commitment of the University's resources involved in making a permanent appointment as well as President Lowell's maxim, "the surest way to ruin a university faculty is to fill it with good men".

It is convenient first to enumerate a list of materials to be prepared in connection with each name submitted for review by an *ad hoc* committee, and then to discuss the substance of the case to be laid before the committee.

Organization of Ad Hoc Committee

The department chairman should initiate the convening of a committee by writing to the Dean, indicating the name or names of the men to be considered and the field in which it is desired that an appointment be made. At least six to eight weeks are normally required before a committee can meet following such a request. The chairman's letter should include nominations of outside scholars to be considered, among others, by the Dean and the President for possible membership on the committee. These should

be selected for their qualification and objectivity as judges of the proposed appointment, their breadth of viewpoint regarding the needs of the department, and their scholarly or scientific diversity. As a general rule, committee members proposed should not be persons who would be considered closely competitive for appointment with the individual nominated by the department. They should possess competence to judge whether or not the proposed appointment represents the best direction of development for the department, as well as to appraise the qualifications of the particular nominee. Thus "specialist" and "generalist" viewpoints should both be represented. A phrase or sentence indicating the particular merit of each name provided will prove helpful to the Dean. The chairman's letter should also mention any scholars in the university but outside the department who would be particularly suitable to serve on the committee or to supply letters. It should indicate what witnesses will present the department's case before the committee, and mention should be made of any members who dissent from the appointment together with an indication as to whether they wish to testify. It is also helpful to have the reasons stated for abstentions. In selecting the names of proposed committee members and witnesses, the chairman should naturally consult with appropriate members of his department.

The department chairman may submit simultaneously (but in a separate letter) his full statement of the departmental action and recommendation, as described in (5) on page 4, or he may prefer to send this statement later along with other material for the *ad hoc* committee. A description of the composition of these materials follows.

Materials to Be Prepared for The Committee

The chairman is responsible for delivery to the Dean's office of a file of material documenting the case for each name submitted to an *ad hoc* committee. This file must be received no later than two weeks before the date of the committee's meeting. It should contain the following:

(1) Letters from at least six scholars outside the university who are well qualified to judge the merits of the candidate in competition with all others under consideration and the value to the department of an appointment in his area or field. In soliciting letters the chairman should assure a diversity of viewpoints and should not

restrict the range of opinions sought in any way, for example by sticking to scholars working in the United States when the discipline is an international one. Letters should in general not be requested from men whom the chairman has nominated to serve as members of the *ad hoc* committee.

(2) Copies of the letter or letters from the chairman seeking outside evaluations, in order to inform the *ad hoc* committee of the exact terms of reference set for these evaluations.

(3) At least four letters evaluating the proposed name from members of the department or members of other departments or schools interested in the appointment. A larger number of letters from insiders may well be appropriate, in the case of large departments, or ones that have numerous relationships to contiguous fields.

(4) Letters of dissent from any voting members of the department who oppose the appointment and wish to express their reasons.

(5) An extensive statement from the department chairman summarizing this material and describing the search procedure that led up to the recommendation. The chairman's statement should report the department's vote in detail: the names and positions taken by members present at the meeting when the candidate was recommended and the names of absent members subsequently canvassed along with their votes. The department's search procedure should be described so as to indicate how the department decided to recommend a candidate in the particular field or fields in question, and how the name was selected from among those considered. The chairman should provide evidence that consideration was given to women and to candidates who are members of minority groups by including the names reviewed and the steps taken to ascertain potential candidates in these categories. The statement not only should summarize the nominee's qualifications for teaching and research but should also compare him explicitly to others who were seriously considered and indicate why he is preferred. Account should be taken of any relation of the proposed appointment to the interests of other departments or schools within the university. Finally, the chairman's statement should summarize and, if appropriate, comment on the reasons expressed by any members who dissent or abstain from the department's recommendation.

(6) A brief biography and complete bibliography of the candidate.

(7) A set of copies of the nominee's principal publications.

Substance of Case

Except in the case of a restricted chair, a department's recommendation of a tenure appointment usually results from a simultaneous effort to decide on the field in which an appointment is most needed and to weigh the comparative qualifications of men working in various fields. Materials presented to the *ad hoc* committee must demonstrate that the department's overall needs are best served by an appointment in the nominee's field or fields, not just that the nominee excels in his own fields of specialization. Letters from both department members and outsiders should comment on this matter, and the needs and resources of related departments should be taken into account. The role of the *ad hoc* committee in appraising the proper direction of development for the department is at least as important as its evaluation of a particular candidate for appointment.

It is vital that the department's case not only document the excellences of the nominee but also state explicitly why this candidate was recommended over other names closely considered. Although always necessary, this comparative aspect of a department's case assumes particular importance when the recommendation is for a promotion from within. In securing letters from outside scholars the chairman should list the other names considered and invite comment concerning them. (For reasons of tact, it may not be desirable to invite every outsider to comment on every alternative name; but tact should not be allowed to restrict the quality and completeness of the total submission.) Evidence should be advanced concerning the nominee's qualifications for both teaching and research. The quality of the graduate students he has produced is usually relevant and should be documented. The case must convincingly establish his *prospective* value to the university rather than just detailing his past accomplishments. And his value must be judged *as an addition to* the department's present tenured faculty and related long-term resources, not just as meeting some general standard of merit. The material before the *ad hoc* committee should include brief evaluations of the nominee's principal publications or research achievements; this may conveniently be developed in letters from department members supporting the recommendation.

Various considerations will bear on the department's choice of a

nominee from a particular age group. The nominee should be compared with competing scholars of all ages and not just with those of his own age group. The *ad hoc* committee will in all cases be informed of the age distribution in the department, and this should be considered in discussing how the candidate will complement other scholars already in the department. Account must, of course, be taken in comparing candidates of different ages and of the amounts of time they have had to bring their scholarly labors to fruition.

In order to seek the advice and comments of the Harvard community and others who may be interested, the Committee has published a series of reports as follows:

Discussion Memorandum Concerning the Choice of a New President (April 1970)

Tentative Recommendations Concerning Rights and Responsibilities (April 1970)

Supplementary Memorandum on the Choice of a New President: Terms of Office and Review of Performance (October 1970)

Harvard and Money: A Memorandum on Issues and Choices (November 1970)

The Nature and Purposes of the University: A Discussion Memorandum (January 1971)

Tentative Recommendations Concerning Discipline of Officers (March 1971)

The Organization and Functions of the Governing Boards and the President's Office: A Discussion Memorandum (March 1971)